

**Amendments to the Drawings:**

Please delete Figure 3 from this application.

**Remarks:**

Applicant acknowledges receipt of the official action mailed October 10, 2006, setting a three-month shortened statutory period for the reply. The statutory six-month deadline for the reply is set to expire on April 10, 2007. This reply is being submitted to the Patent Office prior to March 10, 2007. Attached is a petition requesting a two-month extension of time to extend the response period until March 10, 2007. The fee required for the extension is authorized in the attached papers. Granting of the petition is respectfully requested.

All Claims 1-12 pending in the application stand rejected. Claims 1 -12 have been cancelled and new claims 13-27 take their place. Various edits have been made to the specification including the elimination of drawing figure 3. All additions to the specification and claims are clearly supported by the originally filed specification, claims, and drawing sheets and therefore do not constitute new matter. Reconsideration of the application is respectfully requested.

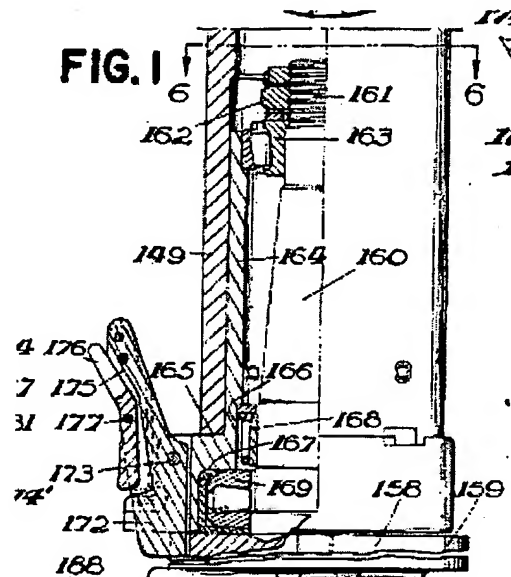
**REJECTIONS UNDER § 112**

The Examiner made numerous rejections to the claims under § 112. The claims have been modified to address the concerns of the Examiner and therefore reconsideration and withdrawal of the rejections is respectfully requested.

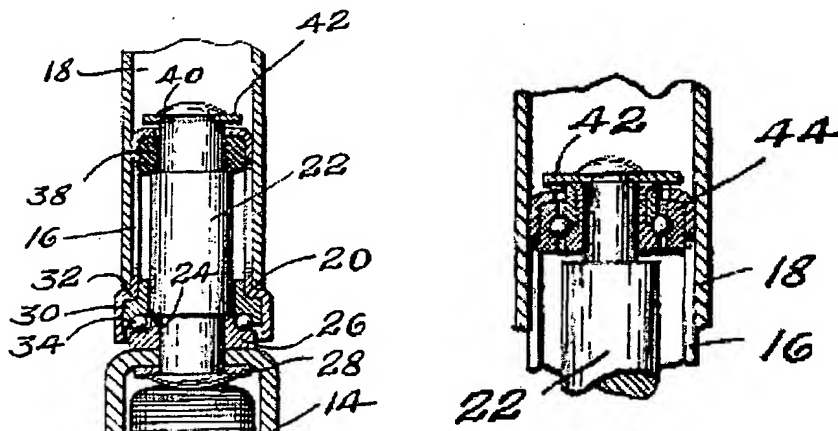
REJECTIONS UNDER § 102(b)

Hodges et al.

The '936 patent discloses a castor having a shaft 160 attached to a base 158. The shaft and base abut a number of inner bearing races while and outer member 149 abuts the respective outer races of the various bearings. In this arrangement, as the wheel and fork swivel, so to does the shaft. The shaft is attached to the fork and therefore cannot swivel independently therefrom.

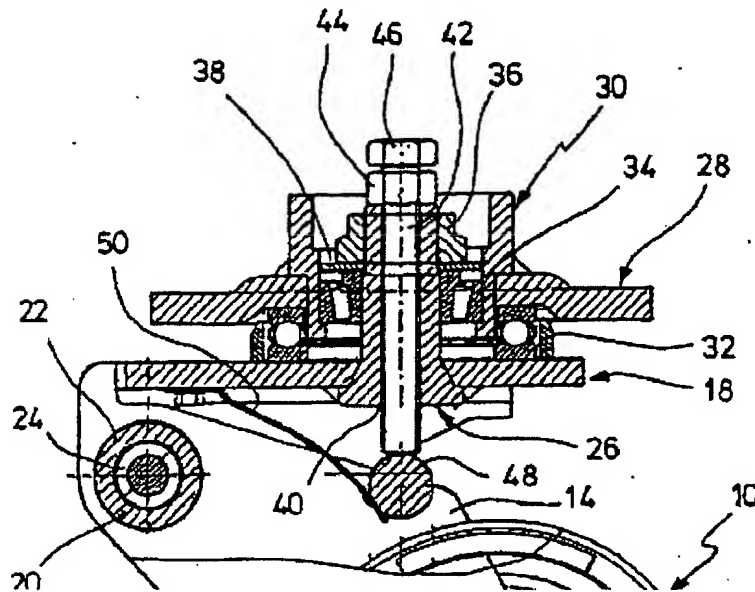


Kilian



The Kilian '098 patent discloses a castor having a fork 14 with cross member 28. Cross member 28 is fixedly attached to shaft 22. Shaft 22 is supported by bearings at both a lower and upper end thereof. The fixed attachment of the cross member to the shaft prevents the shaft from swiveling independently from the fork and wheel.

**German Document DE 197 41 742 A1**



The German document DE 19741742 discloses a castor having a shaft 42 attached to a cross member 18 of a fork. The cross member is separated from an upper element 28 by a thrust bearing 32. Another upper element 30 is separated from a shaft sleeve 26 by way of a journal bearing 34. In this configuration, the shaft, sleeve, and cross member are all fixedly attached to one another and therefore cannot swivel independently from each other.

**Distinguishing the Present Invention**

The '098, '936, and German '742 documents all fail to disclose each and every limitation of the invention as claimed. While it is apparent that these patents disclose castors configurations with two or more bearings disposed about a shaft, the arrangements of the bearings do not permit the range and freedom of movement provided by the present invention. These patents all disclose a shaft or bolt that is fixedly attached to the fork. In this configuration, as the fork and wheel swivel, so to does the attached shaft. The present invention allows for the

fork and shaft to swivel independently of each other. Applicant respectfully submits that the cited references cannot support a rejection under § 102(b) given that none recite each and every limitation of the invention as claimed. Accordingly, Applicant respectfully requests withdrawal of the rejection and reconsideration of the application.

#### REJECTIONS UNDER § 103(a)

Claims 1-12 stand rejected on grounds the invention is obvious and unpatentable over Japanese document JP58126203A when taken in view of Hodges et al. '936. Applicant respectfully disagrees and requests reconsideration.

#### Prima facie Obviousness

In rejecting claims under 35 U.S.C. Section 103(a), the examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir.1992).

.... "A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 782, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)). If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Furthermore, "[o]bviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor." *Para-Ordnance Mfg. v. SGS Importers Int'l*, 73 F.3d 1985, 1087, 37 USPQ2d 1237, 1239 (citing *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1450, 1551, 1553, 220 USPQ 303, 311, 312-13 (Fed. Cir. 1983)). "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992)(citing *In re Gordon*, 733 F.2d 900,

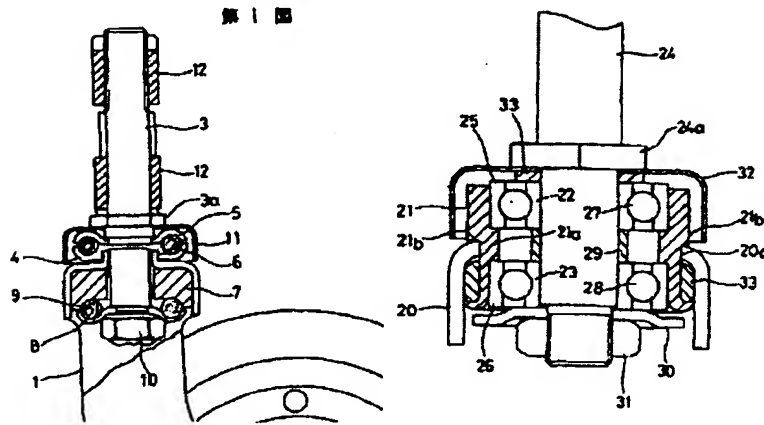
902, 221 USPQ 1125, 1127 (Fed. Cir. 1984)). "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." *Id.* at 1266, 23 USPQ2d at 1784, (citing *In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991)).

Three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). Applicant contends a *prima facie* case of obviousness has not been sustained.

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Japanese Document JP 58126203



Referring to Figure 1 of the Japanese '203 document, a castor is presented having fork 1 enclosing a bearing assembly 7, 8, and 9. The bearing assembly 7, 8, and 9 is disposed about a lower end of the shaft 3. A second bearing assembly 4, 5, 6 is disposed around an upper portion of shaft 3. A lower race 4 of the upper bearing abuts the cross member (not numbered) of the fork. The two bearing assemblies support upper and lower portions of the cross member of the fork. The shaft 3 appears to be adapted for fixed attachment to a load bearing object. In this configuration, the fork is able to swivel about the fixed shaft.

Referring to Figure 2, a castor is presented having a fork 20 attached to shaft 24 by two journal bearings. The outer races 25, 26 of the two bearings are attached together by element 21. Element 21 in turn is attached to the upper end of the fork 20. The inner races of the bearings 22, 23 abut the shaft 24. In this configuration, the fork 20 is able to swivel about the shaft 24. The shaft appears to be adapted to be fixed to a load bearing object and cannot swivel.

Hodges et al.

For brevity, please see Applicant's explanation of Hodges above.

Differences Between Prior Art and Claimed Invention

Applicant respectfully submits that the art cited by Examiner merely depicts castor shafts

that are supported by two or more bearings. The purpose of these configurations appears to be related to wobble or stability of the castor wheel. The goal of the present invention is significantly different. The primary goal of the present invention is to provide a castor configuration that allows for significantly greater swivel ability. The wheel and fork can swivel independently from the shaft. To the best of Applicant's understanding, the cited art does not disclose such capability.

#### CONCLUSION

The points of novelty and utility have been presented clearly in this response to the official action taken by the Office. The amendments to the claims as well as the addition of the new claims should not cause the Examiner to conduct a new search nor do they broaden the scope of the invention from that previously claimed. Accordingly reconsideration of the application is respectfully requested, and Applicant respectfully requests allowance of the case.

Respectfully submitted

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